

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re:

Case No: 20-43932-jmm

FANCHEST, INC.,

Chapter 11

Debtor.¹

**ORDER SCHEDULING HEARING TO CONSIDER CONFIRMATION OF DEBTOR'S
PLAN OF REORGANIZATION PURSUANT TO SUBCHAPTER V OF CHAPTER 11**

Fanchest, Inc., the debtor and debtor in possession (the "Debtor") ~~the debtor and debtor in possession~~ **(JMM)** in the above-captioned small business case filed under subchapter V of chapter 11 of Title 11 of the United States Code (the "Bankruptcy Code"), filed an *Amended Plan of Reorganization for Small Business Under Chapter 11* [ECF No. 79] on February 26, 2021, as may be amended, modified or supplemented (the "Plan"); and after due deliberation; it is hereby

ORDERED, that a telephonic hearing to consider confirmation of the Plan shall be held before the Honorable Jil Mazer-Marino, of the United States Bankruptcy Court for the Eastern District of New York, 271-C Cadman Plaza East, Brooklyn, NY 11201 on **April 9, 2021 at 1:00 p.m.** prevailing eastern time (the "Confirmation Hearing"); the dial-in information for the hearing is as follows: Toll-Free Number: **(888) 273-3658**; Access Code: **2872314**; and it is further

ORDERED, that service of this Order and the Motion upon (i) the Office of the United States Trustee, (ii) all creditors listed by the Debtors in their bankruptcy schedules or who filed proofs of claim with the Clerk of the Court, (iii) all parties who have filed and served upon the Debtor's counsel a notice of appearance in this case, and (iv) the subchapter V Trustee appointed in this case, by first class mail no later than ~~March 5, 2021~~ **March 8, 2021 (JMM)**, shall constitute

¹ (Federal Tax Id. No. xx-xxx 3182).

good and sufficient service and notice hereof; and it is further

ORDERED, that the Debtor shall promptly file an affidavit of service thereafter; and it is further

ORDERED, that objections, if any, to the Plan shall be in writing and filed with the Clerk of the United States Bankruptcy Court for the Eastern District of New York, Conrad B. Duberstein Courthouse, 271-C Cadman Plaza East – Suite 1595, Brooklyn, New York 11201, in accordance with the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules for the Eastern District of New York, and served upon the following parties: (i) Offit Kurman, P.A., counsel for the Debtor, 590 Madison Avenue, Sixth Floor, New York, New York 10022, Attn: Michael T. Conway; (ii) Eric Michael Huebscher, subchapter V Trustee for Fanchest, Inc., Huebscher & Co., 630 3rd Avenue – 21st Floor, New York, NY 10017; and (iii) Office of the United States Trustee, U.S. Department of Justice, Office of the United States Trustee, Region 2 – Brooklyn Division, 201 Varick Street, Suite 1006, New York, New York 10014, Attn: Jeremy Sussman, Trial Attorney, so as to be received no later than ~~April 2, 2021~~ **April 7, 2021 (JMM)** at 5:00 p.m.; and it is further

ORDERED, that completed ballots must be submitted in the form annexed hereto as **Exhibit A** (the “Ballot”), either by regular mail or e-mail, on:

OFFIT KURMAN, P.A.
Michael T. Conway, Esq.
590 Madison Avenue, Sixth Floor
New York, New York 10022
Telephone: (929) 476-0041
Facsimile: (212) 545-1656
Michael.Conway@OffitKurman.com

so as to be received no later than ~~April 2, 2021~~ **April 7, 2021 (JMM)**; and it is further

ORDERED, that the Debtor shall file a Ballot Tabulation and Certification of Acceptance and Rejection of the Plan with the Clerk of the Court no later than ~~April 6, 2021~~ **April 8, 2021** **(JMM)**.

**Dated: Brooklyn, New York
March 5, 2021**





Jill Mazer-Marino
United States Bankruptcy Judge

Exhibit A - Ballot

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re:

Case No: 20-43932-jmm

FANCHEST, INC.,

Chapter 11

Debtor.²

CLASS [] BALLOT FOR ACCEPTING OR REJECTING AMENDED PLAN OF REORGANIZATION

Fanchest, Inc., the Debtor in this case, filed a plan of reorganization dated February 26, 2021 (the Plan). If you are a holder of a Claim against the Debtor you must use this ballot to cast your vote to accept or to reject the Debtor's *Amended Plan of Reorganization for Small Business Under Chapter 11*, as may be amended, modified or supplemented (the "Plan"). **Before you transmit your vote, please review the Plan carefully.**

You may wish to seek legal advice concerning the Plan and your classification and treatment under the Plan. This Ballot does not constitute, nor will it be deemed to be a proof of claim or an amendment to a proof of claim or interest or an assertion of a claim of a waiver of any bar date or deadline to file a proof of claim or interest.

If your ballot is not received by Michael T. Conway, Esq., Offit Kurman, P.A., Madison Avenue, Sixth Floor, New York, New York 10022, on or before April 7, 2021, and such deadline is not extended, your vote will not count as either an acceptance or rejection of the Plan.

If the Plan is confirmed by the Bankruptcy Court, it will be binding on you whether or not you vote.

Acceptance or Rejection of the Plan

The undersigned, is the holder of a Class [] claim against the Debtor in the unpaid amount of Dollars (\$).

Check one box only

☐ **Accepts the plan**

☐ **Rejects the plan**

² (Federal Tax Id. No. xx-xxx 3182).

Certification. By returning this Ballot, the holder of the claim identified above certifies that it has
(a) full power and authority to vote to accept or to reject the Plan with respect to said claim; and
(b) received a copy of the Plan (including the exhibits thereto) and understands that the solicitation
of the votes for the Plan is subject to all the terms and conditions set forth in the Plan.

Dated: _____

Print or type name: _____

Signature: _____ Title (if corporation or partnership) _____

Address: _____

**YOUR BALLOT MUST BE RECEIVED BY COUNSEL FOR THE DEBTOR AT THE
BELOW ADDRESS BY 5:00 P.M. ON APRIL 7, 2021, OR IT MAY NOT BE COUNTED.**

OFFIT KURMAN, P.A.
Michael T. Conway, Esq.
590 Madison Avenue, Sixth Floor
New York, New York 10016
Telephone: (929) 476-0041
Michael.Conway@OffitKurman.com

**IF YOU HAVE ANY QUESTIONS REGARDING THIS BALLOT OR THE VOTING
PROCEDURES, OR IF YOU NEED A BALLOT OR ADDITIONAL PRINTED COPIES OF
THE PLAN OR OTHER MATERIALS ENCLOSING IN THE SOLICITATION
PACKAGE, PLEASE CONTACT COUNSEL FOR THE DEBTOR AT (929) 476-0041 OR
MICHAEL.CONWAY@OFFITKURMAN.COM.**